

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

PATRICK D. COTTINGHAM,)	C/A No. 0:19-cv-01947-PJG
)	
Plaintiff,)	
)	
v.)	
)	AMENDED ORDER
ANDREW M. SAUL,)	
Commissioner of Social Security,)	
)	
Defendant.)	

This Social Security matter is before the court pursuant to Local Civil Rule 83.VI.02 (D.S.C.) and 28 U.S.C. § 636(c) for final adjudication, with the consent of the parties, of the plaintiff's petition for judicial review. The plaintiff, Patrick D. Cottingham, brought this action pursuant to 42 U.S.C. §§ 405(g) and 1383(c)(3) to obtain judicial review of a final decision of the defendant, Commissioner of Social Security ("Commissioner"), denying his claims for benefits. On March 18, 2020 the Commissioner filed a motion for entry of judgment with order of remand pursuant to sentence four of 42 U.S.C. § 405(g). (ECF No. 26). The court granted the Commissioner's motion by order and judgment dated April 7, 2020. (ECF Nos. 29, 30). The plaintiff then filed a motion to alter or amend the order and judgment pursuant to Federal Rule of Civil Procedure 60(b)(1) and to oppose the defendant's motion for remand. (ECF No. 31). The defendant filed a response in opposition to the plaintiff's motion. (ECF No. 32).

The parties have now informed the court that they have reached an agreement for the issuance of an amended order and judgment with additional instructions to the Commissioner regarding the actions to be taken on remand. Accordingly, the plaintiff has withdrawn his objection to the defendant's motion for remand and joins the defendant's motion for remand with the agreed upon terms. (ECF No. 36). The court finds that the additional terms of remand agreed

to by the parties are fair and reasonable and in compliance with controlling law. Therefore, it is hereby

ORDERED that the defendant's motion for remand and the plaintiff's motion for amendment of the judgment and order are hereby granted and this action is remanded to the Commissioner for further evaluation under sentence four of 42 U.S.C. § 405(g). It is further ordered that the Commissioner will assign the case to a different Administrative Law Judge on remand. The Appeals Council will direct the Administrative Law Judge to reevaluate whether reopening of the subsequent determination is warranted; and, if so, the Administrative Law Judge will consolidate the claims files, associate the evidence, and issue a new decision on the consolidated claims. The Appeals Council will direct the ALJ to further evaluate the nature and severity of the claimant's depression; reevaluate the claimant's residual functional capacity; and if warranted, obtain vocational expert evidence. The ALJ will take any further action needed to complete the administrative record; provide the claimant an opportunity for a new hearing, and issue a new decision within 120 days of this order."

IT IS SO ORDERED

September 8, 2020
Columbia, South Carolina



Paige J. Gossett
UNITED STATES MAGISTRATE JUDGE